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Follow-up to and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Muslim Minorities in Myanmar, Saudi Arabia and the United States of America

Ethnic, linguistic, racial and religious minorities with different cultures, bring cultural and social diversity to every country. As a member of the international community, each country is obliged to observe the internationally accepted principles on minorities rights.

Article 20(19) of the Vienna Declaration (1993) on the rights of minorities and indigenous people, and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stresses on these rights. Article 27 of the International Convention on Civil and Political Rights states: "religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language". Article 2(1) of the same Covenant also states: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 1(3) of the UN Charter stresses on "promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language, or religion."

In spite of all these, conditions worsen for minorities across the world on a daily basis. For example, the rights of the Shia minorities, particularly in Saudi Arabia, is another subject that continually has been ignored, the situation of the Myanmar Muslims is deteriorating and in the United States of America, the president continues his hatemongering against Muslims and ethnic minorities.

Shia Minority in Saudi Arabia

The Shia make up approximately 10 percent of the population of Saudi Arabia and mainly live in the eastern regions (Ehsa Qatif) regions. They are constantly treated in a discriminatory way by the Saudi government and are treated like second class citizens. The conditions of the Shia in Medina is completely different to the aforementioned regions. The Medina mosques and Hosseniehs have been destroyed. The Shia are not permitted to express their religion openly and hold their religious services in public places. Furthermore, the Saudi government continually restricts the Shia from civil and political posts. Currently there are no top Shia diplomats or military officials in Saudi Arabia.

Attempts to forcefully convert the Shia to Sunni is another case of blatant violation of the freedom of religion and belief as stated in international documents. Since in 1997 Saudi Arabia joined the International Convention on the Elimination of all Forms of Racial Discrimination, but the government practices are contrary to the international obligations. Furthermore, the extensive discrimination that takes place against the Shia minorities and even women in Saudi Arabia, are contrary to the international commitments of the country and customary international law.
According to Article 32 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts, no state can refer to national laws to justify its non-compliance with international obligations. The Saudi government's reference to national laws as a tool to deprive women and the Shia from their fundamental rights is in full contrast to the States' international responsibility and common humanitarian law.

The Rohingya Minorities in Myanmar

The one million Rohingya Muslim population of Myanmar live in the Rakhine State in the western parts of the country. These people do not enjoy any citizen's rights whatsoever, because the Myanmar government does not deem them as Myanmar citizens. The Rohingya crisis in the country is due to the escalation of anti-Muslim feelings by the Buddhists in 2012, backed by the government, when massacres and ethnic cleansing were committed, leading to the death of hundreds of Rohingya Muslims. In the past two years we have witnessed the ethnic cleansing of Rohingya Muslims in western Myanmar. Currently, hundreds of thousands of the minority are living in terrible conditions in refugee camps and many lose their lives due to bad health and hygiene conditions every day. The Myanmar government is doing its

utmost to eject the Rohingyas out of the country through excessive use of force and blocking all channels of humanitarian aid.

This is while, Myanmar is a member of the International Convention on the Prevention and Punishment of Crimes of Genocide (1948). According to Article 6 of the Convention the Myanmar is obliged to bring all the perpetrators of these crimes to justice, within its borders. According to Article 8 of the Convention, in the event of the inability of the government to prosecute the criminals, the government can ask competent international bodies for assistance, otherwise the Myanmar will be deemed to fail in carrying out its commitments and will be held accountable at the international level. Also, Myanmar's failure to address the crimes effectively can lead to serious reaction of the international community and even the application of the responsibility to protect principle which can pave the way for referral of the case to the International Criminal Court.

Also, according to Article 127 of the Rome Statute and Article 4 of the Convention on the Prevention and Punishment of Crimes of Genocide, criminal state officials do not get impunity from prosecution. Also according to Article 91 of the Vienna Declaration (1993) of international bodies should pay attention to impunity.

Muslims in the United States

In the United States, Muslims have been subject to hate speech and hate crimes. The new administration's discriminatory approach towards Muslims has intensified the rate and the number of hate incidents[1] and the reports, including the FBI reports, indicate a significant increase[2] in the number of hate crimes and hate attacks against Muslims[3] in the United States. The tense situation for Muslims is further proved by the worries expressed by about 75 percent of the members of the Muslims as well as about 70 percent of the general public who believe that there is "a lot of discrimination against Muslims"[4] in the United States.

Recommendations:

Expressing serious concern about the situation of Muslims in Myanmar, Saudi Arabia and the United States, the Organisation for Defending Victims of Violence (ODVV) offers the following recommendations:

1. ODVV calls on the international community, particularly the Human Rights Council to provide a quick and short term solution for solving the Myanmar crisis and bring about the conditions for the repatriation of Rohingya refugees to their country and enjoyment of their fundamental rights.

2. ODVV calls on the Saudi government to officially recognise freedoms of the Shia minority in the country that include making a living and holding religious ceremonies.

3. ODVV calls on the United States new administration to seriously refrain from discriminatory remarks and thus igniting hatred against minorities especially the Muslims in the country.

4. ODVV calls on the United Nations Human Rights Council to address the situation of Shia Muslims in Saudi Arabia and Muslims in the United States and continue its current efforts to put an end to the heinous crimes committed against Muslims in Myanmar.

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1 http://theconversation.com/explaining-the-rise-in-hate-crimes-against-muslims-in-the-us-80304

2 http://www.pewresearch.org/fact-tank/2017/11/15/assaults-against-muslims-in-u-s-surpass-2001-level/

3 https://www.washingtonpost.com/news/post-nation/wp/2017/11/13/hate-crimes-in-the-united-states-increased-last-year-the-fbi-says/

4 Http://www.pewforum.com/2017/07/26/findings-from-pew-research-centers-2017-survey-of-us-muslims/